

REMARKS

The Examiner objects to the title and abstract; and rejects claims 1-21 (all pending claims). In response, Applicants have amended the title, amended the abstract, amended claims 1-6, 8, 9, 11, 14, 15, 17, and 19-21, and canceled claims 12-13 and 18. Claims 1-11, 14-17, and 19-21 remain pending. In view of the above amendments and following arguments, Applicants respectfully request that these claims be allowed.

Applicants have amended claims 1, 20, 21 to recite a final individual layer that is made of the same material of a first layer in a first of the individual layers of a first multiple-layer structure. Support for this limitation is found at page 9, lines 14-16 of the specification. Applicants have also corrected various typographical and editorial errors in the pending claims to correct dependency of the claims and define more clearly what the Applicants regard as the invention. No new matter is introduced by these amendments.

The Examiner rejects claim 1 under 35 U.S.C. §102(e) as being anticipated by US Patent Publication US2004/0026730 A1 filed by Kostylev et al. (Kostylev).

Applicants note that Kostylev does not describe and would not have made obvious "a final individual layer disposed upon at least two multiple-layer structures, said final individual layer being formed of the same material as a first of said plurality of individual layers in a first of said at least two multiple-layer structures of said laminated structure wherein a crystallization speed of said first of said plurality of individual layers of said first of said at least two multiple-layer structures and said final individual layer is higher than that of other ones of said plurality of individual layers of said first multiple layer structure and a crystallization temperature of said first of said plurality of individual layers of said first of said at least two multiple-layer structures and said final individual layer is lower than that of other ones of said plurality of individual layers of said first of said at least two multiple-layer structures," as recited in amended claim 1.

Instead, Kostylev describes a data recording element that has alternating layers of resistance material layers and stabilizing layers. See Paragraph 34 of Kostylev. While the recording element may have the same type of layers at opposing ends, Kostylev does not describe or suggest that the end layers are both resistance material layers. Furthermore, even if the structure described in Kostylev has resistance material layers at the opposing ends, Kostylev

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does not describe or suggest that the resistance material layer be made of the same material or that the material has a lower crystallization speed and temperature than the interposing layers, as recited in amended claim 1. Thus, amended claim 1 is not anticipated by Kostylev. Applicants respectfully request that amended claim 1 be allowed.

Amended claims 17, 20, and 21 are patentable for at least similar reasons as those applied to amended claim 1.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner. Any circumstance in which the applicant has made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims. Any circumstance in which the applicant has amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

The Petition for Extension of Time fee in the amount of \$120 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: September 22, 2008\_\_\_\_\_

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